

KATHLEEN BLISS, ESQ. (NV Bar #7606)
Email: kb@kathleenblisslaw.com
KATHLEEN BLISS LAW, PLLC
1070 West Horizon Ridge Parkway
Suite 202
Henderson, Nevada 89012
Telephone: (702) 463-9074
-and-
PAUL S. PADDA, ESQ. (NV Bar #10417)
Email: psp@paulpaddalaw.com
DAVID J. STANDER, ESQ. (Admitted PHV)
Email: dstanderlaw@gmail.com
PAUL PADDA LAW, PLLC
4560 South Decatur Boulevard
Suite 300
Las Vegas, Nevada 89103
Telephone: (702) 366-1888
Fax: (702) 366-1940
-and-
DOUGLASS A. MITCHELL, ESQ. (NV Bar #3775)
Email: dmitchell@jenner.com
JENNER & BLOCK LLP
1099 New York Avenue, N.W.
Suite 900
Washington, DC 20001-4412
Telephone: (202) 639-6090
Facsimile: (202) 639-6066

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NAVAJO HEALTH FOUNDATION - SAGE
MEMORIAL HOSPITAL, INC. (doing business as
"Sage Memorial Hospital"), an Arizona non-profit
corporation,

Plaintiff,

vs.

RAZAGHI DEVELOPMENT COMPANY, LLC
(doing business as "Razaghi Healthcare"), a Nevada
limited liability company; AHMAD R. RAZAGHI,
individually; TAUSIF HASAN, individually;
DOES 1-20; DOES A-Z,

Defendant.

Case No. 2:19-cv-0329-GMN-EJY

**STIPULATION TO FILE SECOND
AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 15(a)(2) and Local Rules 7-1 and 15-1, Plaintiff Navajo Health Foundation - Sage Memorial Hospital, Inc. ("Sage Memorial") and Defendants Razaghi Development Company, LLC, Ahmad Razaghi, and Tausif Hasan (collectively, "Defendants") stipulate and agree that Sage Memorial may file a Second Amended Complaint to correct certain errors Plaintiff discovered in the First Amended Complaint, and further stipulate and agree to the following additional briefing matters relating to any response to the Second Amended Complaint:

1. On May 28, 2021, Sage Memorial filed its First Amended Complaint. (ECF No. 136). Shortly after filing it, Sage Memorial discovered typographical errors that it believes should be corrected to clarify certain allegations and other typographical errors that it believes should also be corrected at the same time.

2. Sage Memorial has provided the Defendants with a redlined version of the First Amended Complaint showing the proposed corrections. A copy of the redlined version showing the proposed changes is attached as Exhibit A ("Proposed Second Amended Complaint").

3. After having reviewed and discussed the Proposed Second Amended Complaint with Sage Memorial, the Defendants hereby stipulate to Sage Memorial filing a Second Amended Complaint containing the changes Plaintiff asserts are typographical errors as redlined in the Proposed Second Amended Complaint. A clean version of the Second Amended Complaint incorporating each of the redlines is attached as Exhibit "B."

4. Because Sage Memorial will be filing a Second Amended Complaint, the parties stipulate that the Defendants do not need to file a response to the First Amended Complaint, which is currently due on July 30, 2021. (ECF No. 141). The parties stipulate that, pursuant to Fed. R. Civ. P. 15(a)(3), the Defendants shall have 14 days from the date the Second Amended Complaint is filed to respond to the Second Amended Complaint.

5. Neither Sage Memorial nor the Defendants waive or relinquish any claim, defense, right, or argument relating to the Second Amended Complaint by virtue of this stipulation. Each

1 party expressly reserves all such claims, defenses, rights, and arguments. Moreover, because the
2 Razaghi Defendants have not yet responded, and will not be responding, to the First Amended
3 Complaint, Sage Memorial and the Defendants agree that the filing of the Second Amended
4 Complaint does not does not constitute a waiver of any claim, defense, right, or argument relating
5 to the content of the Second Amended Complaint merely because that same content appeared in
6 the First Amended Complaint or said claim, defense, right, or argument could also have been
7 raised concerning the First Amended Complaint.
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9 6. In the event the Defendants elect to file a motion to dismiss, the parties further
10 stipulate to the following briefing schedule and enlargements of the page limits set forth in Local
11 Rule 7-3(b):

12 a. Sage Memorial's opposition shall be due 30 days after the Defendants file a
13 motion to dismiss;

14 b. The Defendants reply to Sage Memorial's opposition shall be due 15 days after
15 Sage Memorial files its opposition;

16 c. the page limit for the Defendants' motion to dismiss shall be enlarged from 24
17 pages to 30 pages, *see* Declaration of Kris Leonhardt attached hereto as Exhibit C;

18 d. the page limit for Sage Memorial's opposition to the motion to Dismiss shall
19 be enlarged from 24 pages to 30 pages;

20 e. the page limits for the Defendants' reply be enlarged from 12 pages to 15
21 pages.
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23 f. These indicated extended page limitations shall be exclusive of the caption
24 page, exhibits, Table of Contents, Table of Authorities and Certificate of Electronic Service.
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1 The parties ask the Court to approve the stipulation allowing Sage Memorial to file its Second
2 Amended Complaint (Exhibit B) and establishing the briefing schedule and page limits set forth
3 above.

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6 Pavneet S. Upaal
7 Kris Leonhardt
8 Brian L. Bradford

9 Counsel for Razaghi Development
10 Company, LLC, Ahmad Razaghi,
11 And Tausif Hasan, *Defendants*

12 Dated: July 30, 2021



Kathleen Bliss
Paul S. Padda
David Stander
Douglass A. Mitchell

Navajo Health Foundation – Sage Memorial
Hospital, Inc., *Plaintiff*

Dated: July 30, 2021

13
14 IT IS SO ORDERED.

15 IT IS FURTHER ORDERED that the Clerk of
16 Court shall separate and electronically file
17 Plaintiff's Second Amended Complaint (ECF No.
18 142-2).

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20 UNITED STATES MAGISTRATE JUDGE

21 Dated: August 2, 2021
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